IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Bail Appl..No. 6832 of 2007()

CRIME NO.293/07 OF PERINGOME POLICE STATION)

PETITIONER/ACCUSED
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1. **JOHN KARAKKATU, S/O. MATHEW,**
   AGED 63 YEARS, R/AT KARAKKATU HOUSE,
   PERUMBADAVU P.O., KARIPPAL, THALIPARAMBA TALUK,
   KANNUR DISTRICT.

2. **MARYKUTTY JOHN, W/O. JOHN KARAKKATU,**
   AGED 57 YEARS, R/AT KARAKATU HOUSE,
   PERUMBADAVU P.O., KARIPPAL, THALIPARAMBA TALUK,
   KANNUR DISTRICT.

3. **BOBY K.JOHN, S/O. JOHN KARAKKATU,**
   AGED 35 YEARS, R/AT KARAKKATU HOUSE,
   PERUMBADAVU P.O., KARIPPAL, THALIPARAMBA TALUK,
   KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS: COMPLAINANT & STATE
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1. **STATE - REPRESENTED BY**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. **THE STATION HOUSE OFFICER,**
   (CRIME NO.293 OF 2007 OF PERINGOME POLICE
   STATION), KANNUR DISTRICT.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6832 of 2007

Dated this the 13th day of November, 2007

ORDER

Application for anticipatory bail. Petitioners are the relatives of the husband of the defacto complainant. They are accused 2 to 4 in a crime registered alleging the offence punishable under Section 498 A r/w 34 I.P.C. The crime was registered on the basis of a private complaint filed by the defacto complainant before the police. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The marriage took place on 3.10.02. From 25.08.07, the spouses are residing separately. The complaint was filed on 10.10.07.

3. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. There is strain in the matrimony and because of such strain, false and exaggerated allegations are being raised against the husband and his relatives. In these circumstances, the petitioners may be granted anticipatory bail, it is prayed.

4. The learned Public Prosecutor does not oppose the prayer for anticipatory bail. I am satisfied in the facts and circumstances of this case that the petitioners can be granted anticipatory bail. In the

absence of opposition, it is not necessary for me to advert to facts in any greater detail in this order.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 20.11.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 21.11.07 and 22.11.07 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of 2 months. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 20.11.2007 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 20.11.07.

(R.BASANT, JUDGE)

rtr/-